

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

OPT OUT SERVICES LLC,

Plaintiff,

v.

oproutprescreen.com, et al.,

Defendants.

No. 1-20-CV-443 (TSE/TCB)

PLAINTIFF’S REQUEST FOR CLERK’S ENTRY OF DEFAULT

Pursuant to Federal Rule of Civil Procedure 55(a), Plaintiff Opt Out Services LLC (“OOS”), by counsel, requests that the Clerk of the Court enter default against the Internet domain names oproutprescreen.com, optiutprescreen.com, optoutpredcreen.com, optoutpreescreen.com, optoutprrescreen.com, optpoutprescreen.com, and opyoutprescreen.com (the “Domain Names”) for failure to defend the lawsuit. In support of this request, OOS states as follows:

1. Plaintiff OOS filed its Complaint (“Complaint”) against the Defendant Domain Names on April 21, 2020. *See* ECF No. 1.
2. The listed owners of the Domain Names are identified in Paragraphs 6-12 of the Complaint. *Id.* ¶¶ 6-11 & Exs. 1-7.
3. On April 22, 2020, OOS provided the registered owner(s) of the Defendant Domain Names with notice of the alleged violations and a copy of the Complaint. *See* Declaration of Ari Meltzer ¶¶ 4-5 & Attach. 1, attached hereto as Exhibit A (“Meltzer Decl.”).

The notice was sent to the postal and e-mail addresses provided in the domain name registration records for the Domain Names. *Id.*

4. On April 23, 2020, OOS filed a Motion for Service By Publication. *See* ECF No. 2. On April 24, 2020, the Court granted OOS's Motion and ordered OOS to publish the Order providing notice to the Defendants in *The Washington Post* or *The Washington Time* once within fourteen (14) days after the entry of the Order. *See* ECF No. 3. The Order further directed OOS to file a declaration describing the steps that OOS had taken to comply with the Order. *Id.*

5. OOS caused the Order of Service By Publication to be published in *The Washington Times* on April 30, 2020. *See* Meltzer Decl. ¶ 6. OOS filed its declaration describing compliance with the Order on May 19, 2020. ECF No. 4.

6. In accordance with the Order of Service By Publication, Defendants' answer(s) or other response(s) were due no later than May 21, 2020. No such answer or other response has been filed or served. *See* Meltzer Decl. ¶ 8.

WHEREFORE, for the reasons set forth above, OOS respectfully requests that the Clerk enter default against the Defendants as to all claims asserted by OOS.

Dated: July 22, 2020

By: /s/ Attison L. Barnes, III /s/
Attison L. Barnes, III (VA Bar No. 30458)
David E. Weslow (pro hac vice)
WILEY REIN LLP
1776 K St. NW
Washington, DC 20006
(202) 719-7000 (phone)
(202) 719-7049 (fax)
abarnes@wileyrein.com
dweslow@wileyrein.com

*Attorneys for Plaintiff
Opt Out Services LLC*

CERTIFICATE OF SERVICE

I, Attison L. Barnes, III, hereby certify that on July 22, 2020, I electronically filed the foregoing by using the CM/ECF system. I also sent copies to the registrant of the domain names at the postal and email addresses provided by the registrant to the registrar of the domain names or, if none is available, to the registrar of the domain names:

Registration Private/Domains by Proxy, LLC
DomainsByProxy.com
14455 N. Hayden Road
Scottsdale, Arizona 85260
oproutprescreen.com@domainsbyproxy.com
optoutprescreen.com@domainsbyproxy.com
(for oproutprescreen.com and optoutprescreen.com)

ABOVE.COM PTY LTD.
6-8 East Concourse
Beaumaris, VIC 3193
Australia
optiutprescreen.com@privacy.above.com
opyoutprescreen.com@privacy.above.com
(for optiutprescreen.com and opyoutprescreen.com)

DNSPod, Inc.
c/o Yantai Disp Technology Co., Ltd. Company Xinwang Digital
2-4 Floor, Building G, #1 Siwei Rd., Beichen District
Tianjin, China 300000
abuse@dnspod.com
(for optoutpredcreen.com)

WhoIs Agent
c/o Name.com, Inc.
PO Box 1769
Denver, Co. 80201
abuse@name.com
(for optoutpreescreen.com)

Domain Protection LLC
c/o Sea Wasp LLC d/b/a Fabulous
3500 N Causeway Blvd, Suite 160
Metairie, LA 70002
abuse@fabulous.com
optpoutprescreen.comregistrant@fabulouswhoiscompliance.com
(for optpoutprescreen.com)

/s/ Attison L. Barnes, III /s/

Attison L. Barnes, III (VA Bar No. 30458)
WILEY REIN LLP
1776 K Street, NW
Washington, DC 20006
Tel: (202) 719-7000
Fax: (202) 719-7049
abarnes@wiley.law

*Counsel for Plaintiff
Opt Out Services LLC*